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OFFICE OF PETITIONS

In re Application of
Pelletier et al.
Application No. 09/407,804
Filed: September 28, 1999
Attorney Dck't. No. 241/190

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: ON PETITION
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This is a decision on the petition filed December 23, 2002, which is being treated as a petition under 37 CFR 1.181(a)(3) requesting that the Director exercise his supervisory authority and review the decision of the Group Director, Examining Group 1600 (Group Director), mailed October 15, 2002, which refused to withdraw the outstanding requirement for restriction.

The petition is **dismissed as moot**.

In the interim, prosecution on the merits has resumed, with result that the Technology Center has indicated to the Office of Petitions that all claimed species have been examined, and further, that all claims are allowable such that a Notice of Allowance is forthcoming.

Accordingly, no meaningful relief can now be accorded to petitioner. The requested relief from an allegedly improper restriction requirement has already been realized by way of the Technology Center's withdrawal of that requirement and the ensuing examination, and forthcoming allowance, of all the claims. As such, there is no remaining condition of restriction (or election) or any subject matter that remains withdrawn from consideration on the merits by the examiner to review, or overturn. Should petitioner contend that in fact any of the aforementioned issues have not been mooted by the forthcoming allowance, then the petition should be promptly renewed on that basis.

Telephone inquiries relative to this decision should be directed to Petitions Examiner Brian Hearn at (571) 272-3217.

Charles Pearson
Director, Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy